

wherein the rotation of the sealing cap facilitates the rotation of the tamper evident cap, the tamper evident cap being configured such that at least a portion thereof may be separated and removed from the sealing cap; and

a closure retaining section coupled to the sealing cap and advanceable over the shoulder of the container upon the threadable engagement of the sealing cap to the neck thereof;

the tamper evident closure being sized and configured relative to the container such that the rotation of the sealing cap in a second direction opposite the first direction subsequent to the threadable engagement of the sealing cap to the neck results in the engagement of the closure retaining section to the shoulder.

48. (New) The tamper evident closure of Claim 47 wherein the tamper evident cap is cooperatively engaged to the sealing cap via interengaging serrations which are formed on the tamper evident cap and the sealing cap.

REMARKS

By the present Supplemental Amendment, Applicant has added new Claims 41-48 into prosecution. New Claims 41 and 45 are independent in nature, and similar in scope to pending independent Claim 31. However, Claim 41 differs from Claim 31 due to the omission of the limitation regarding the "fracture of the parting region". Similarly, Claim 45 differs from Claim 31 due to the omission of the limitations regarding the "selectively fracturable parting region" and "the fracture of the parting region". New Claims 42 and 46 are dependent on Claims 41 and 45, respectively, and are each analogous to pending Claim 32.

New Claims 43 and 47 are also independent in nature, and are similar in scope to pending independent Claim 36. However, Claims 43 and 47 differ from Claim 36 due to the same omissions previously discussed in relation to Claims 41 and 45. New Claims 44 and 48 are dependent upon Claims 43 and 47, respectively, and are each analogous to pending Claim 37.

Applicant respectfully submits that new independent Claims 41, 43, 45 and 47 are not

anticipated or rendered obvious by the Merolle or Menke references, considered alone or in combination, for the same reasons previously discussed in Applicants July 5, 2000

Amendment. In this respect, Applicant respectfully submits that neither the Merolle or Menke references teaches or suggests a tamper evident closure wherein the movement of a sealing cap away from a shoulder of a container subsequent to the attachment of the sealing cap to the neck of the container results in the engagement of a closure retaining section of the tamper evident closure to the shoulder of the container.

On the basis of the foregoing, Applicant respectfully submits that new Claims 41-48 are in condition for allowance. An early Notice of Allowance is therefore respectfully requested in relation to Claims 31-48 now pending in the present application.

Respectfully submitted,

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Encl.